

1 A MEMORIAL

2 REQUESTING THE NEW MEXICO HEALTH POLICY COMMISSION AND THE  
3 INSURANCE DIVISION OF THE PUBLIC REGULATION COMMISSION TO  
4 CONVENE A TASK FORCE ON HEALTH CARE PRACTITIONER LIABILITY  
5 INSURANCE.

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7 WHEREAS, there is an escalating crisis in health care  
8 access because malpractice premiums for all types of health  
9 care providers are skyrocketing; and

10 WHEREAS, declining reimbursement rates for medicare and  
11 medicaid affect every type of provider and practitioner,  
12 including physicians, advance practice nurses, hospitals,  
13 nursing homes, clinics and others; and

14 WHEREAS, medical malpractice liability is capped at six  
15 hundred thousand dollars (\$600,000) for health care providers  
16 who qualify by contributing to the patient's compensation  
17 fund; and

18 WHEREAS, certain practitioners, such as nurse midwives,  
19 nurse practitioners, dentists and others, are required to  
20 carry three million dollars (\$3,000,000) in malpractice  
21 coverage; and

22 WHEREAS, some health care providers are not included  
23 under the Medical Malpractice Act and thus do not qualify  
24 under its provisions; and

25 WHEREAS, insurance coverage is not available for certain

1 types of practitioners and certain types of services,  
2 including home births; and

3 WHEREAS, options may be available to address this  
4 escalating crisis, including amending the Medical Malpractice  
5 Act, creating a joint underwriting association, purchasing  
6 coverage through the risk management division of the general  
7 services department, creating a separate liability act or  
8 self-insuring;

9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
10 STATE OF NEW MEXICO that the New Mexico health policy  
11 commission and the insurance division of the public  
12 regulation commission be requested to convene a task force of  
13 representatives from statewide health care practitioner  
14 groups, including the New Mexico medical society, the  
15 American college of nurse-midwives, the New Mexico nurse  
16 anesthetist association, the New Mexico midwives association,  
17 the New Mexico dental association, the New Mexico hospital  
18 and health systems association, the New Mexico health care  
19 association, the New Mexico trial lawyers association and  
20 foundation, the office of the governor and others, to examine  
21 the malpractice insurance dilemma and its impact on providers  
22 and patients; and

23 BE IT FURTHER RESOLVED that the task force examine the  
24 statutes, constitutional provisions, regulations and court  
25 decisions governing medical malpractice; and

1           BE IT FURTHER RESOLVED that the task force submit its  
2 findings and recommendations, including legislative  
3 initiatives for malpractice insurance reform for health care  
4 providers, by November 1, 2005 to the legislative health and  
5 human services committee, the legislative finance committee,  
6 the department of health and the office of the governor; and

7           BE IT FURTHER RESOLVED that copies of this memorial be  
8 transmitted to the New Mexico health policy commission and  
9 the insurance division of the public regulation commission.==

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